

1                               A bill to be entitled  
2       An act relating to environmental contamination;  
3       amending s. 376.3071, F.S.; providing legislative  
4       findings, declarations, and intent; authorizing the  
5       Department of Environmental Protection to use funds  
6       from the Inland Protection Trust Fund to pay for  
7       specified activities related to removal and  
8       replacement of petroleum storage systems; authorizing  
9       the Department of Environmental Protection to use  
10      funds from the Inland Protection Trust Fund to pay the  
11      Department of Transportation for repairing damages  
12      caused by discharges from certain facilities;  
13      providing applicability; requiring limited  
14      contamination assessment reports and Petroleum Cleanup  
15      Participation Program site rehabilitation agreements  
16      to include certain cost savings; removing requirements  
17      for demonstration and determination of financial  
18      ability to comply with certain copayment and  
19      assessment report requirements; providing for  
20      petroleum storage system repair or replacement due to  
21      damage caused by ethanol or biodiesel and for  
22      preventive measures to reduce the potential for such  
23      damage; providing requirements for requesting and  
24      receiving payments for such repair, replacement, and  
25      measures; providing construction; prohibiting payments

26        for certain costs; limiting the payment amount a  
27        petroleum storage system owner or operator is eligible  
28        to receive annually; requiring the department, after a  
29        specified date, to only register storage system  
30        equipment that meets certain fuel standards; amending  
31        s. 376.30713, F.S.; requiring advanced cleanup  
32        applications to include certain agreements for  
33        continued program participation and conceptual  
34        proposed courses of action; removing provisions  
35        prohibiting the refund of certain contamination  
36        assessment report costs from the Inland Protection  
37        Trust Fund; requiring selected agency term contractors  
38        to submit scopes of work for limited contamination  
39        assessments to the Department of Environmental  
40        Protection; directing the department, upon agreement  
41        of such scopes of work, to issue specified purchase  
42        orders; conforming cross-references; amending s.  
43        376.313, F.S.; specifying strict liability exceptions  
44        for individual causes of action for damages to real  
45        and personal property resulting from certain  
46        discharges and conditions of pollution; providing an  
47        effective date.

48  
49        Be It Enacted by the Legislature of the State of Florida:  
50

51       Section 1. Paragraph (a) of subsection (2), subsection  
52       (4), and paragraph (d) of subsection (13) of section 376.3071,  
53       Florida Statutes, are amended, and paragraph (h) is added to  
54       subsection (1) and subsection (15) is added to that section, to  
55       read:

56       376.3071 Inland Protection Trust Fund; creation; purposes;  
57       funding.—

58       (1) FINDINGS.—In addition to the legislative findings set  
59       forth in s. 376.30, the Legislature finds and declares:

60       (h) That Congress enacted the Energy Policy Act of 2005,  
61       amending the Clean Water Act, and that the state enacted the  
62       Renewable Fuels Standard, to establish a renewable fuel standard  
63       requiring the use of ethanol as an oxygenate additive for  
64       gasoline and biodiesel as an additive for ultra-low sulfur  
65       diesel fuel. An unintended consequence of the inclusion of  
66       ethanol in gasoline and biodiesel in diesel fuel has been to  
67       cause, and potentially cause, significant corrosion and other  
68       damage to storage tanks, piping, and storage tank system  
69       components regulated under this chapter. The Legislature further  
70       finds that storage tanks, piping, and storage tank system  
71       components have been found by the department in its equipment  
72       approval process to meet compatibility standards, however, these  
73       standards may have subsequently changed due to the introduction  
74       of ethanol and biodiesel. The state enacted secondary  
75       containment requirements before the mandated introduction of

ethanol into gasoline and biodiesel into ultra-low sulfur diesel fuel. Therefore, owners and operators of petroleum storage facilities in the state that complied with the state's secondary containment requirements and installed approved equipment that may not have been evaluated for compatibility with ethanol and biodiesel, cross-contamination due to the storage of gasoline and diesel fuel, and the effects of condensation and minimal amounts of water in storage tanks are at a particular risk for having to repair or replace equipment or take other preventive measures in advance of the equipment's expected useful life in order to prevent releases or discharges of pollutants.

(2) INTENT AND PURPOSE.—

(a) It is the intent of the Legislature to establish the Inland Protection Trust Fund to serve as a repository for funds which will enable the department to respond without delay to incidents of inland contamination, and damage or potential damage to storage tank systems caused by ethanol or biodiesel as described in subsection (15) which may result in such incidents, related to the storage of petroleum and petroleum products in order to protect the public health, safety, and welfare and to minimize environmental damage.

(4) USES.—Whenever, in its determination, incidents of inland contamination, or potential incidents as provided in subsection (15), related to the storage of petroleum or petroleum products may pose a threat to the public health,

101 safety, or welfare, water resources, or the environment, the  
102 department shall obligate moneys available in the fund to  
103 provide for:

104       (a) Prompt investigation and assessment of contamination  
105 sites.

106       (b) Expeditious restoration or replacement of potable  
107 water supplies as provided in s. 376.30(3)(c)1.

108       (c) Rehabilitation of contamination sites, which shall  
109 consist of cleanup of affected soil, groundwater, and inland  
110 surface waters, using the most cost-effective alternative that  
111 is technologically feasible and reliable and that provides  
112 adequate protection of the public health, safety, and welfare,  
113 and water resources, and that minimizes environmental damage,  
114 pursuant to the site selection and cleanup criteria established  
115 by the department under subsection (5), except that this  
116 paragraph does not authorize the department to obligate funds  
117 for payment of costs which may be associated with, but are not  
118 integral to, site rehabilitation, such as the cost for  
119 retrofitting or replacing petroleum storage systems.

120       (d) Maintenance and monitoring of contamination sites.

121       (e) Inspection and supervision of activities described in  
122 this subsection.

123       (f) Payment of expenses incurred by the department in its  
124 efforts to obtain from responsible parties the payment or  
125 recovery of reasonable costs resulting from the activities

described in this subsection.

(g) Payment of any other reasonable costs of administration, including those administrative costs incurred by the Department of Health in providing field and laboratory services, toxicological risk assessment, and other assistance to the department in the investigation of drinking water contamination complaints and costs associated with public information and education activities.

(h) Establishment and implementation of the compliance verification program as authorized in s. 376.303(1)(a), including contracting with local governments or state agencies to provide for the administration of such program through locally administered programs, to minimize the potential for further contamination sites.

(i) Funding of the provisions of ss. 376.305(6) and 376.3072.

(j) Activities related to removal and replacement of petroleum storage systems, if repair, replacement, or other preventive measures are authorized under subsection (15), or exclusive of costs of any tank, piping, dispensing unit, or related hardware, if soil removal is approved as a component of site rehabilitation and requires removal of the tank where remediation is conducted under this section, or if such activities were justified in an approved remedial action plan.

(k) Reasonable costs of restoring property as nearly as

151 practicable to the conditions which existed before activities  
152 associated with contamination assessment or remedial action  
153 taken under s. 376.303(4).

154 (l) Repayment of loans to the fund.

155 (m) Expenditure of sums from the fund to cover ineligible  
156 sites or costs as set forth in subsection (13), if the  
157 department in its discretion deems it necessary to do so. In  
158 such cases, the department may seek recovery and reimbursement  
159 of costs in the same manner and pursuant to the same procedures  
160 established for recovery and reimbursement of sums otherwise  
161 owed to or expended from the fund.

162 (n) Payment of amounts payable under any service contract  
163 entered into by the department pursuant to s. 376.3075, subject  
164 to annual appropriation by the Legislature.

165 (o) Petroleum remediation pursuant to this section  
166 throughout a state fiscal year. The department shall establish a  
167 process to uniformly encumber appropriated funds throughout a  
168 state fiscal year and shall allow for emergencies and imminent  
169 threats to public health, safety, and welfare, water resources,  
170 and the environment as provided in paragraph (5)(a). This  
171 paragraph does not apply to appropriations associated with the  
172 free product recovery initiative provided in paragraph (5)(c) or  
173 the advanced cleanup program provided in s. 376.30713.

174 (p) Enforcement of this section and ss. 376.30-376.317 by  
175 the Fish and Wildlife Conservation Commission and the Department

176 of Environmental Protection. The department shall ~~may~~ disburse  
177 moneys to the commission for such purpose.

178 (q) Payments for program deductibles, copayments, and  
179 limited contamination assessment reports that otherwise would be  
180 paid by another state agency for state-funded petroleum  
181 contamination site rehabilitation.

182 (r) Payments for the repair or replacement of, or other  
183 preventive measures for, storage tanks, piping, or system  
184 components as provided in subsection (15). Such costs may  
185 include equipment, excavation, electrical work, and site  
186 restoration.

187 (s) Payments to the Department of Transportation for  
188 repairing damage to a transportation facility caused by a  
189 discharge of petroleum products from an offsite facility for  
190 which the department has issued a site rehabilitation completion  
191 order with conditions. The department shall establish procedures  
192 to process and pay such funding requests. This paragraph applies  
193 in lieu of the indemnification requirements in any agreements  
194 between the department and Department of Transportation  
195 concerning risk-based corrective action closures.

196  
197 The issuance of a site rehabilitation completion order pursuant  
198 to subsection (5) or paragraph (12)(b) for contamination  
199 eligible for programs funded by this section does not alter the  
200 project's eligibility for state-funded remediation if the



department determines that site conditions are not protective of human health under actual or proposed circumstances of exposure under subsection (5). The Inland Protection Trust Fund may be used only to fund the activities in ss. 376.30-376.317 except ss. 376.3078 and 376.3079. Amounts on deposit in the fund in each fiscal year must first be applied or allocated for the payment of amounts payable by the department pursuant to paragraph (n) under a service contract entered into by the department pursuant to s. 376.3075 and appropriated in each year by the Legislature before making or providing for other disbursements from the fund. This subsection does not authorize the use of the fund for cleanup of contamination caused primarily by a discharge of solvents as defined in s. 206.9925(6), or polychlorinated biphenyls when their presence causes them to be hazardous wastes, except solvent contamination which is the result of chemical or physical breakdown of petroleum products and is otherwise eligible. Facilities used primarily for the storage of motor or diesel fuels as defined in ss. 206.01 and 206.86 are not excluded from eligibility pursuant to this section.

(13) PETROLEUM CLEANUP PARTICIPATION PROGRAM.—To encourage detection, reporting, and cleanup of contamination caused by discharges of petroleum or petroleum products, the department shall, within the guidelines established in this subsection, implement a cost-sharing cleanup program to provide

226 rehabilitation funding assistance for all property contaminated  
227 by discharges of petroleum or petroleum products from a  
228 petroleum storage system occurring before January 1, 1995,  
229 subject to a copayment provided for in a Petroleum Cleanup  
230 Participation Program site rehabilitation agreement. Eligibility  
231 is subject to an annual appropriation from the fund.  
232 Additionally, funding for eligible sites is contingent upon  
233 annual appropriation in subsequent years. Such continued state  
234 funding is not an entitlement or a vested right under this  
235 subsection. Eligibility shall be determined in the program,  
236 notwithstanding any other provision of law, consent order,  
237 order, judgment, or ordinance to the contrary.

238 (d) Upon notification by the department that  
239 rehabilitation funding assistance is available for the site  
240 pursuant to subsections (5) and (6), the property owner,  
241 operator, or person otherwise responsible for site  
242 rehabilitation shall provide the department with a limited  
243 contamination assessment report and shall enter into a Petroleum  
244 Cleanup Participation Program site rehabilitation agreement with  
245 the department. The limited contamination assessment report must  
246 be sufficient to support the proposed course of action and to  
247 estimate the cost of the proposed course of action. The  
248 agreement must provide for a 25-percent cost savings and may use  
249 a copayment by the owner, operator, or person otherwise  
250 responsible for conducting site rehabilitation or a demonstrated

251 cost savings to the department in the form of reduced rates by  
252 the proposed agency term contractor or the difference in cost  
253 associated with a Risk Management Options Level I closure versus  
254 a Risk Management Options Level II conditional closure, or both,  
255 to meet the requirement. ~~The owner, operator, or person~~  
256 ~~otherwise responsible for conducting site rehabilitation shall~~  
257 ~~adequately demonstrate the ability to meet the copayment~~  
258 ~~obligation. The limited contamination assessment report and the~~  
259 ~~copayment costs may be reduced or eliminated if the owner and~~  
260 ~~all operators responsible for restoration under s. 376.308~~  
261 ~~demonstrate that they cannot financially comply with the~~  
262 ~~copayment and limited contamination assessment report~~  
263 ~~requirements. The department shall take into consideration the~~  
264 ~~owner's and operator's net worth in making the determination of~~  
265 ~~financial ability. In the event the department and the owner,~~  
266 ~~operator, or person otherwise responsible for site~~  
267 ~~rehabilitation cannot complete negotiation of the cost-sharing~~  
268 ~~agreement within 120 days after beginning negotiations, the~~  
269 ~~department shall terminate negotiations and the site shall be~~  
270 ~~ineligible for state funding under this subsection and all~~  
271 ~~liability protections provided for in this subsection shall be~~  
272 ~~revoked.~~

273 (15) ETHANOL OR BIODIESEL DAMAGE; PREVENTIVE MEASURES.—The  
274 department shall pay, pursuant to this subsection, up to \$10  
275 million each fiscal year from the fund for the costs of labor

276 and equipment to repair or replace petroleum storage systems  
277 that may have been damaged due to the storage of fuels blended  
278 with ethanol or biodiesel, or for preventive measures to reduce  
279 the potential for such damage.

280 (a) A petroleum storage system owner or operator may  
281 request payment from the department for the repair or  
282 replacement of petroleum storage tanks, integral piping, or  
283 ancillary equipment that may have been damaged, or is subject to  
284 damage, by the storage of fuels blended with ethanol or  
285 biodiesel or for other preventive measures to ensure  
286 compatibility with ethanol or biodiesel in accordance with the  
287 following procedures:

288 1. The petroleum storage system owner or operator may  
289 submit a request for payment to the department along with the  
290 following information:

291 a. An affidavit from a petroleum storage system specialty  
292 contractor attesting to an opinion that the petroleum storage  
293 system may have been damaged as a result of the storage of fuel  
294 blended with ethanol or biodiesel or may not be compatible with  
295 fuels containing ethanol or biodiesel, or a combination of both.  
296 The affidavit must also include a proposal from the specialty  
297 contractor for repair or replacement of the equipment, or for  
298 the implementation of other preventive measures to reduce the  
299 probability of damage. If the specialty contractor proposes  
300 replacement of any equipment, the affidavit must include the

301 reasons that repair or other preventive measures are not  
302 technically or economically feasible or practical.

303 b. Copies of any inspection reports, including  
304 photographs, prepared by the specialty contractor or department  
305 or local program inspectors documenting the damage or potential  
306 for damage to the petroleum storage system.

307 c. A proposal from the specialty contractor showing the  
308 proposed scope of the repair, replacement, or other preventive  
309 measures, including a detailed list of labor, equipment, and  
310 other associated costs. In the case of replacement or repair,  
311 the proposal must also include provisions for any preventive  
312 measures needed to prevent a recurrence of the damage, such as  
313 the use of corrosion inhibitors, the application of coatings  
314 compatible with ethanol or biodiesel, as appropriate, and the  
315 adoption of a maintenance plan.

316 d. For proposals to replace storage tanks or piping, a  
317 statement from a certified public accountant indicating the  
318 depreciated value of the tanks or piping proposed for  
319 replacement. Applications for such proposals must also include  
320 documentation of the age of the storage tank or piping.  
321 Historical tank registration records may be used to determine  
322 the age of the storage tank and piping. The depreciated value  
323 shall be the maximum allowable replacement cost for the storage  
324 tank and piping, exclusive of labor costs. For the purposes of  
325 this paragraph, tanks that are 20 years old or older are deemed

326 to be fully depreciated and have no replacement value.

327 2. The department shall review applications for  
328 completeness, accuracy, and the reasonableness of costs and  
329 scope of work. Within 30 days after receipt of an application,  
330 the department must approve or deny the application, propose  
331 modification to the application, or request additional  
332 information.

333 (b) If an application is approved, the department shall  
334 issue a purchase order to the petroleum storage system owner or  
335 operator. The purchase order shall:

336 1. Reflect a payment due to the owner for the cost of the  
337 scope of work approved by the department, less a deductible of  
338 25 percent.

339 2. State that a payment is not due to the owner pursuant  
340 to the purchase order until the scope of work authorized by the  
341 department has been completed in substantial conformity with the  
342 purchase order.

343 3. Except for preventive maintenance contracts, specify  
344 that the work authorized in the purchase order must be  
345 substantially completed and paid for by the petroleum storage  
346 system owner or operator within 180 days after the date of the  
347 purchase order. After such time, the purchase order is void.

348 4. For preventive maintenance contracts, the department  
349 shall develop a maintenance completion and payment schedule for  
350 approved applicants. The failure of an owner or operator to meet

351 scheduled payments shall invalidate the purchase order for all  
352 future payments due pursuant to the order.

353 (c)1. Except for maintenance contracts, the applicant may  
354 request that the department make payment following completion of  
355 the work authorized by the department, in accordance with the  
356 terms of the purchase order. The request must include a  
357 sufficient demonstration that the work has been completed in  
358 substantial compliance with the purchase order and that the  
359 costs have been fully paid. Upon such a showing, the department  
360 must issue the payment pursuant to the terms of the purchase  
361 order.

362 2. For maintenance contracts, the department must make  
363 periodic payments pursuant to the schedule specified in the  
364 purchase order upon satisfactory showing that maintenance work  
365 has been completed and costs have been paid by the owner or  
366 operator as specified in the purchase order.

367 (d) The department may develop forms to be used for  
368 application and payment procedures. Until such forms are  
369 developed, an applicant may submit the required information in  
370 any format, as long as the documentation is complete.

371 (e) The department may request the assistance of the  
372 Department of Management Services or a third-party administrator  
373 to assist in the administration of the application and payment  
374 process. Any costs associated with this administration shall be  
375 paid from the funds identified in this section.

376        (f) This subsection does not affect the obligations of  
377        facility owners or operators or petroleum storage system owners  
378        or operators to timely comply with department rules regarding  
379        the maintenance, replacement, and repair of petroleum storage  
380        systems in order to prevent a release or discharge of  
381        pollutants.

382        (g) Payments may not be made for the following:

383        1. Proposal costs or costs related to preparation of the  
384        application and required documentation;

385        2. Certified public accountant costs;

386        3. Except as provided in subsection (k), any costs in  
387        excess of the amount approved by the department under paragraph  
388        (b) or which are not in substantial compliance with the purchase  
389        order;

390        4. Costs associated with storage tanks, piping, or  
391        ancillary equipment that has previously been repaired or  
392        replaced for which costs have been paid under this section;

393        5. Facilities that are not in compliance with department  
394        storage tank rules, until the noncompliance issues have been  
395        resolved; or

396        6. Costs associated with damage to petroleum storage  
397        systems caused in whole or in part by causes other than the  
398        storage of fuels blended with ethanol or biodiesel.

399        (h) Applications may be submitted on a first-come, first-  
400        served basis. However, the department may not issue purchase



orders unless funds remain for the current fiscal year.

(i) A petroleum storage system owner or operator may not receive more than \$200,000 annually for equipment replacement, repair, or preventive measures at any single facility, or \$500,000 annually in aggregate for all facilities owned or operated by the owner or operator it owns or operates.

(j) Owners or operators that have incurred costs for repair, replacement, or other preventive measures as described in this subsection during the period of July 1, 2015, through June 30, 2019, may apply to request payment for such costs from the department using the procedure in paragraphs (b), (c), and (d). The department may not disburse payment for approved applications for such work until all purchase orders for previously approved applications have been paid and unless funds remain available for the fiscal year. Such payment is subject to a deductible of 25 percent of the cost of the scope of work approved by the department under this paragraph.

(k) For new petroleum requirement registrations after July 1, 2020, the department shall only register equipment that meets applicable standards for compatibility for ethanol blends, biodiesel blends, and other alternative fuels that are likely to be stored in such systems.

Section 2. Subsections (2) and (4) of section 376.30713, Florida Statutes, are amended to read:

376.30713 Advanced cleanup.—

426           (2) The department may approve an application for advanced  
427 cleanup at eligible sites, including applications submitted  
428 pursuant to paragraph (d) ~~(e)~~, notwithstanding the site's  
429 priority ranking established pursuant to s. 376.3071(5)(a),  
430 pursuant to this section. Only the facility owner or operator or  
431 the person otherwise responsible for site rehabilitation  
432 qualifies as an applicant under this section.

433           (a) Advanced cleanup applications may be submitted between  
434 May 1 and June 30 and between November 1 and December 31 of each  
435 fiscal year. Applications submitted between May 1 and June 30  
436 shall be for the fiscal year beginning July 1. An application  
437 must consist of:

438           1. A commitment to pay 25 percent or more of the total  
439 cleanup cost deemed recoverable under this section along with  
440 proof of the ability to pay the cost share. The department shall  
441 determine whether the cost savings demonstration is acceptable.  
442 Such determination is not subject to chapter 120.

443           a. Applications for the aggregate cleanup of five or more  
444 sites may be submitted in one of two formats to meet the cost-  
445 share requirement:

446           (I) For an aggregate application proposing that the  
447 department enter into a performance-based contract, the  
448 applicant may use a commitment to pay, a demonstrated cost  
449 savings to the department, or both to meet the requirement.

450           (II) For an aggregate application relying on a

451 demonstrated cost savings to the department, the applicant  
452 shall, in conjunction with the proposed agency term contractor,  
453 establish and provide in the application the percentage of cost  
454 savings in the aggregate that is being provided to the  
455 department for cleanup of the sites under the application  
456 compared to the cost of cleanup of those same sites using the  
457 current rates provided to the department by the proposed agency  
458 term contractor.

459 b. Applications for the cleanup of individual sites may be  
460 submitted in one of two formats to meet the cost-share  
461 requirement:

462 (I) For an individual application proposing that the  
463 department enter into a performance-based contract, the  
464 applicant may use a commitment to pay, a demonstrated cost  
465 savings to the department, or both to meet the requirement.

466 (II) For an individual application relying on a  
467 demonstrated cost savings to the department, the applicant  
468 shall, in conjunction with the proposed agency term contractor,  
469 establish and provide in the application a 25-percent cost  
470 savings to the department for cleanup of the site under the  
471 application compared to the cost of cleanup of the same site  
472 using the current rates provided to the department by the  
473 proposed agency term contractor.

474 2. A nonrefundable review fee of \$250 to cover the  
475 administrative costs associated with the department's review of

476 the application.

477 3. A property owner or responsible party agreement in  
478 which the property owner or responsible party commits to  
479 continue to participate in the advanced cleanup program upon  
480 completion of the limited contamination assessment and  
481 finalization of the proposed course of action ~~report~~.

482 4. A conceptual proposed course of action.

483 5. A department site access agreement, or similar  
484 agreements approved by the department that do not violate state  
485 law, entered into with the property owner or owners, as  
486 applicable, and evidence of authorization from such owner or  
487 owners for petroleum site rehabilitation program tasks  
488 consistent with the proposed course of action where the  
489 applicant is not the property owner for any of the sites  
490 contained in the application.

491  
492 ~~The limited contamination assessment report must be sufficient~~  
493 ~~to support the proposed course of action and to estimate the~~  
494 ~~cost of the proposed course of action. Costs incurred related to~~  
495 ~~conducting the limited contamination assessment report are not~~  
496 ~~refundable from the Inland Protection Trust Fund. Site~~  
497 eligibility under this subsection or any other provision of this  
498 section is not an entitlement to advanced cleanup or continued  
499 restoration funding. The applicant shall certify to the  
500 department that the applicant has the prerequisite authority to

501 enter into an advanced cleanup contract with the department. The  
502 certification must be submitted with the application.

503       (b) The department shall rank the applications based on  
504 the percentage of cost-sharing commitment proposed by the  
505 applicant, with the highest ranking given to the applicant who  
506 proposes the highest percentage of cost sharing. If the  
507 department receives applications that propose identical cost-  
508 sharing commitments and that exceed the funds available to  
509 commit to all such proposals during the advanced cleanup  
510 application period, the department shall proceed to rerank those  
511 applicants. Those applicants submitting identical cost-sharing  
512 proposals that exceed funding availability must be so notified  
513 by the department and offered the opportunity to raise their  
514 individual cost-share commitments, in a period specified in the  
515 notice. At the close of the period, the department shall proceed  
516 to rerank the applications pursuant to this paragraph.

517       (c) Upon acceptance of an application, the applicant's  
518 selected agency term contractor must submit a scope of work for  
519 the limited contamination assessment to the department. Once the  
520 scope of work is negotiated and agreed upon, the department must  
521 issue a purchase order or purchase orders for the limited  
522 contamination assessment in an amount not to exceed \$35,000 per  
523 purchase order. The limited contamination assessment must be  
524 sufficient to support the proposed course of action and to  
525 estimate the cost of the proposed course of action.

526        (d)~~(e)~~ Applications for the advanced cleanup of individual  
527 sites scheduled for redevelopment are not subject to the  
528 application period limitations or the requirement to pay 25  
529 percent of the total cleanup cost specified in paragraph (a) or  
530 to the cost-sharing commitment specified in paragraph (1)(d).  
531 Applications must be accepted on a first-come, first-served  
532 basis and are not subject to the ranking provisions of paragraph  
533 (b). Applications for the advanced cleanup of individual sites  
534 scheduled for redevelopment must include:

535            1. A nonrefundable review fee of \$250 to cover the  
536 administrative costs associated with the department's review of  
537 the application.

538            2. A limited contamination assessment report. The report  
539 must be sufficient to support the proposed course of action and  
540 to estimate the cost of the proposed course of action. Costs  
541 incurred related to conducting and preparing the report are not  
542 refundable from the Inland Protection Trust Fund.

543            3. A proposed course of action for cleanup of the site.

544            4. If the applicant is not the property owner for any of  
545 the sites contained in the application, a department site access  
546 agreement, or a similar agreement approved by the department and  
547 not in violation of state law, entered into with the property  
548 owner or owners, as applicable, and evidence of authorization  
549 from such owner or owners for petroleum site rehabilitation  
550 program tasks consistent with the proposed course of action.

551           5. A certification to the department stating that the  
552 applicant has the prerequisite authority to enter into an  
553 advanced cleanup contract with the department. The advanced  
554 cleanup contract must include redevelopment and site  
555 rehabilitation milestones.

556           6. Documentation, in the form of a letter from the local  
557 government having jurisdiction over the area where the site is  
558 located, which states that the local government is in agreement  
559 with or approves the proposed redevelopment and that the  
560 proposed redevelopment complies with applicable law and  
561 requirements for such redevelopment.

562           7. A demonstrated reasonable assurance that the applicant  
563 has sufficient financial resources to implement and complete the  
564 redevelopment project.

565  
566 Site eligibility under this section is not an entitlement to  
567 advanced cleanup funding or continued restoration funding.

568           (4) The department may enter into contracts for a total of  
569 up to \$30 million of advanced cleanup work in each fiscal year.  
570 Up to \$5 million of these funds may be designated by the  
571 department for advanced cleanup of individual sites scheduled  
572 for redevelopment under paragraph (2) (d) ~~(2) (e)~~.

573           (a) A facility or an applicant who bundles multiple sites  
574 as specified in subparagraph (2) (a)1. may not be approved for  
575 more than \$5 million of cleanup activity in each fiscal year.

576 (b) A facility or an applicant applying for advanced  
577 cleanup of individual sites scheduled for redevelopment pursuant  
578 to paragraph (2) (d) ~~(2) (e)~~ may not be approved for more than \$1  
579 million of cleanup activity in any one fiscal year.

580 (c) A property owner or responsible party may enter into a  
581 voluntary cost-share agreement in which the property owner or  
582 responsible party commits to bundle multiple sites and lists the  
583 facilities that will be included in those future bundles. The  
584 facilities listed are not subject to agency term contractor  
585 assignment pursuant to department rule. The department must  
586 reserve the right to terminate or amend the voluntary cost-share  
587 agreement for any identified site under the voluntary cost-share  
588 agreement if the property owner or responsible party fails to  
589 submit an application to bundle any site, not already covered by  
590 an advance cleanup contract, under such voluntary cost-share  
591 agreement within three subsequent open application periods or 18  
592 months, whichever period is shorter, during which it is eligible  
593 to participate. The property owner or responsible party must  
594 agree to conduct limited site assessments on the identified  
595 sites within 12 months after the execution of the voluntary  
596 cost-share agreement. For the purposes of this section, the term  
597 "facility" includes, but is not limited to, multiple site  
598 facilities such as airports, port facilities, and terminal  
599 facilities even though such enterprises may be treated as  
600 separate facilities for other purposes under this chapter.



601           Section 3. Subsection (3) of section 376.313, Florida  
602 Statutes, is amended to read:

603           376.313 Nonexclusiveness of remedies and individual cause  
604 of action for damages under ss. 376.30-376.317.—

605           (3) Except as provided in s. 376.3078(3) and (11), ~~nothing~~  
606 ~~contained in~~ ss. 376.30-376.317 do not prohibit a ~~prohibits any~~  
607 person from bringing a cause of action in a court of competent  
608 jurisdiction for all damages to real or personal property  
609 directly resulting from a discharge or other condition of  
610 pollution covered by ss. 376.30-376.317 ~~and~~ which was not  
611 authorized by a governmental permit or approval ~~pursuant to~~  
612 ~~chapter 403. Nothing in~~ This chapter does not ~~shall~~ prohibit or  
613 diminish a party's right to contribution from other parties  
614 jointly or severally liable for a prohibited discharge of  
615 pollutants or hazardous substances or other pollution  
616 conditions. Except as otherwise provided in subsection (4) or  
617 subsection (5), in any such suit, it is not necessary for such  
618 person to plead or prove negligence in any form or manner. Such  
619 person need only plead and prove the fact of the prohibited  
620 discharge or other pollutive condition and that it has occurred.  
621 The only strict liability exceptions ~~defenses~~ to such cause of  
622 action shall be those specified in s. 376.308.

623           Section 4. This act shall take effect July 1, 2020.